

United States District Court

EASTERN DISTRICT OF WISCONSIN

JUDGMENT IN A CIVIL CASE

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION,

Plaintiff,

V.

CASE NUMBER: **05-C-194**

**V & J FOODS, INC., and
V & J EMPLOYMENT SERVICES,**

Defendants.

- ☐ **Jury Verdict.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.
- ☒ **Decision by Court.** This action came on for consideration and a decision has been rendered.

IT IS ORDERED AND ADJUDGED that the defendants' motion for summary judgment is **GRANTED**.

The plaintiff has established that the employee was subjected to an actionable hostile work environment. However, the defendants cannot be held liable under Title VII because the employee failed to fulfill her duty to avoid harm by notifying the defendants of her harasser's conduct.

The *quid pro quo* claim is insufficient as a matter of law because the defendants had a legitimate non-discriminatory justification for the employee's termination and the plaintiff has failed to produce evidence to support the inference that the employee was terminated because she rebuffed her supervisor's advances.

The plaintiff's retaliation claim is dismissed because the plaintiff has failed to produce evidence sufficient to establish that the supervisor was aware of any of the employee's complaints.

This action is hereby DISMISSED.

November 3, 2006
Date

SOFRON B. NEDILSKY
Clerk

s/ Linda M. Zik
(By) Deputy Clerk